(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 1526 of 2007

Single Bench:Hon'ble Shri Satish K. Agnihotri, J.

Petitioner	:	Smt. Niti Kumari, W/o Shri Jeevan Lal Halba, Aged about 22 years, At present working as an Anganwadi Sahayaka, Gram Panchayat-Chandrivan, Tahsil - Dondi Luhara, District-Durg. R/o Village- Chandrivan, Tahsil-Dondi Luhara, District-Durg, Chhattisgarh.
	Versus	
Respondents		1. State of Chhattisgarh, Through The Secretary, Panchayat and Welfare Department, D.K.S. Bhawan, Raipur, (C.G.)
		2. The Collector, Durg, District-Durg, C.G.
		3. District Project Officer, Mahila Bal Vikas, Project-Dondi Lohara, District-Durg C.G.
		4. The Chief Executive officer, Janpat Panchayat, Dondi Lohara, Distt. Durg (C.G.)
		5. Sarpanch, Gram Panchayat, Chandriwan, Tahsil-Dondi Lohara, District-Durg, C.G.
		6. Smt. Deepika Bai, W/o Shri Naresh Kumar, R/o Village-Chandrivan Navagaon, Tahsil-Dondi Lohara, District-Durg, C.G.

Present: Mr. Vishnu Koshta, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/ respondent No. 1, 2 and 3.

ORDER

(Passed on 16th Day of March, 2007)

1. Learned counsel appearing for the petitioner submits that the Janpad Panchayat, Dondi Lohara, District Durg on the basis of complaints inquired into the recruitment of Anganbadi Karyakarta/Sahayaka, the said

Panchayat, on the basis of said inquiry, new list has been published, wherein the petitioner did not found her name. The petitioner was initially appointed vide order dated 21-8-2006 (Annexure P-6). After a period of five months, this exercise has been done. Since, the order is punitive in nature which civil consequences, the petitioner has already worked for five months and the order is prejudicial and affects career of the petitioner.

2. Learned counsel further submits that no notice was given to any persons, including the petitioner, who was duly appointed as Anganwadi Sahayaka.

3. Be that as it may, since the petitioner has worked for a period of five months after due selection, it is desirable in the interest of justice that any order is punitive in nature, passed against the petitioner, would have been appraised by the proper opportunity of hearing.

4. Accordingly, the Collector, Durg is directed to afford an opportunity of hearing to the petitioner and consider her case and pass appropriate order in accordance with Anganbadi Scheme and law, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No order as to costs.

6. Consequently, I.A. No. 1, an application for stay of operation and effect of the impugned order dated 8.1.2007, stands disposed of.

Sd/-
Satish K.Agnihotri
Judge

Subhash